

OFFICE OF CONGRESSIONAL AFFAIRS

Routing Slip

POE (leg)

	ACTION	INFO
1. D/OCA		X
2. DD/Legislations	X	
3. DD/Senate Affairs		X
4. Ch/Senate Affairs		
5. DD/House Affairs		X
6. Ch/House Affairs		
7. Admin Officer		
8. Executive Officer		
9. FOIA Officer		
10. Constituent Inquiries Officer		
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SUSPENSE

15 JAN 88

Date

Action Officer:

Remarks:

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13 JAN 88

Name/Date

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Name/Date



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

SPECIAL

January 12, 1988

OCA FILE

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer -

Department of Defense (Brick 697-1305)	06
Department of Justice (Perkins 633-2113)	17
Department of State (Howdershell 647-4463)	25
Department of the Treasury (Carro 566-8523)	28
National Security Council	
<u>Central Intelligence Agency</u>	

SUBJECT: H.R. 3822, the "Intelligence Oversight Act of 1987."
In anticipation of an early February hearing, we need your comments on this bill and identification of recommended changes. We understand that NSC may be convening a meeting to discuss this issue early next week.

The Office of Management and Budget requests the views of your agency on the above subject before advising on its relationship to the program of the President, in accordance with OMB Circular A-19.

A response to this request for your views is needed no later than FRIDAY, JANUARY 15, 1988.

Questions should be referred to Sue Thau/Annette Rooney (395-7300), the legislative analyst in this office.

Ronald K. Peterson

RONALD K. PETERSON FOR
Assistant Director for
Legislative Reference

Enclosures

cc: R. Neely
A. B. Culvahouse, Jr.
M. Reed
J. Collins (Rm. 300)

SPECIAL

100TH CONGRESS
1ST SESSION

H. R. 3822

To strengthen the system of congressional oversight of the intelligence activities
of the United States.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 18, 1987

Mr. STOKES (for himself, Mr. BOLAND, and Mr. McHUGH) introduced the following bill; which was referred jointly to the Committees on Permanent Select Committee on Intelligence and Foreign Affairs

A BILL

To strengthen the system of congressional oversight of the
intelligence activities of the United States.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 SHORT TITLE

4 SECTION 1. This Act may be cited as the "Intelligence
5 Oversight Act of 1987".

6 SEC. 2. Section 662 of the Foreign Assistance Act of
7 1961 (22 U.S.C. 2422) is hereby repealed.

8 SEC. 3. Section 501 of title V of the National Security
9 Act of 1947 (50 U.S.C. 413) is amended by striking the lan-

1 guage contained therein, and substituting the following new
2 sections:

3 "GENERAL PROVISIONS

4 "SEC. 501. (a) The President shall ensure that the
5 Select Committee on Intelligence of the Senate and the Per-
6 manent Select Committee on Intelligence of the House of
7 Representatives (hereinafter in this title referred to as the
8 'intelligence committees') are kept fully and currently in-
9 formed of the intelligence activities of the United States, in-
10 cluding any significant anticipated intelligence activities, as
11 required by this title: *Provided*, That nothing contained in
12 this title shall be construed as requiring the approval of the
13 intelligence committees as a condition precedent to the
14 initiation of such activities.

15 "(b) The President shall ensure that any illegal intelli-
16 gence activity is reported to the intelligence committees, as
17 well as any corrective action that has been taken or is
18 planned in connection with such illegal activity.

19 "(c) The President and the intelligence committees shall
20 establish such procedures as may be necessary to carry out
21 the provisions of this title.

22 "(d) The House of Representatives and the Senate, in
23 consultation with the Director of Central Intelligence, shall
24 each establish, by rule or resolution of such House, proce-
25 dures to protect from unauthorized disclosure all classified
26 information and all information relating to intelligence

1 sources and methods furnished to the intelligence committees
2 or to Members of Congress under this title. In accordance
3 with such procedures, each of the intelligence committees
4 shall promptly call to the attention of its respective House, or
5 to any appropriate committee or committees of its respective
6 House, any matter relating to intelligence activities requiring
7 the attention of such House or such committee or
8 committees.

9 “(e) Nothing in this Act shall be construed as authority
10 to withhold information from the intelligence committees on
11 the grounds that providing the information to the intelligence
12 committees would constitute the unauthorized disclosure of
13 classified information or information relating to intelligence
14 sources and methods.

15 “(f) As used in this section, the term ‘intelligence activi-
16 ties’ includes, but is not limited to, ‘special activity’ as
17 defined in subsection 503(e).

18 “REPORTING INTELLIGENCE ACTIVITIES OTHER THAN
19 SPECIAL ACTIVITIES

20 “SEC. 502. (a) To the extent consistent with due regard
21 for the protection against unauthorized disclosure of classified
22 information relating to sensitive intelligence sources and
23 methods, the Director of Central Intelligence and the heads
24 of all departments, agencies, and other entities of the United
25 States Government involved in intelligence activities shall
26 keep the intelligence committees fully and currently informed

1 time does not permit the preparation of a written find-
2 ing, in which case a written record of the President's
3 decision shall be contemporaneously made and shall be
4 reduced to a written finding as soon as possible but in
5 no event more than forty-eight hours after the decision
6 is made;

7 "(2) A finding may not authorize or sanction spe-
8 cial activities, or any aspect of such activities, which
9 have already occurred;

10 "(3) Each finding shall specify each and every de-
11 partment, agency, or entity of the United States Gov-
12 ernment authorized to fund or otherwise participate in
13 any significant way in such activities: *Provided*, That
14 any employee, contractor, or contract agent of a de-
15 partment, agency, or entity of the United States Gov-
16 ernment other than the Central Intelligence Agency di-
17 rected to participate in any way in a special activity
18 shall be subject either to the policies and regulations of
19 the Central Intelligence Agency, or to written policies
20 or regulations adopted by such department, agency or
21 entity, in consultation with the Director of Central In-
22 telligence, to govern such participation;

23 "(4) Each finding shall specify whether it is con-
24 templated that any third party which is not an element
25 of, or a contractor or contract agent of, the United

1 States Government, or is not otherwise subject to
2 United States Government policies and regulations,
3 will be used to fund or otherwise participate in any sig-
4 nificant way in the special activity concerned, or be
5 used to undertake the special activity concerned on
6 behalf of the United States;

7 “(5) A finding may not authorize any action that
8 would violate any statute of the United States.

9 “(b) To the extent consistent with due regard for the
10 protection from unauthorized disclosure of classified informa-
11 tion relating to sensitive intelligence sources and methods,
12 the Director of Central Intelligence and the heads of all de-
13 partments, agencies, and entities of the United States Gov-
14 ernment involved in a special activity shall keep the intelli-
15 gence committees fully and currently informed of all special
16 activities which are the responsibility of, are engaged in by,
17 or are carried out for or on behalf of, any department,
18 agency, or entity of the United States Government, and shall
19 furnish to the intelligence committees any information or ma-
20 terial concerning special activities which is in the possession,
21 custody or control of any department, agency, or entity of the
22 United States Government and which is requested by either
23 of the intelligence committees in order to carry out its
24 authorized responsibilities.

1 “(c)(1) The President shall ensure that any finding ap-
2 proved pursuant to subsection (a) shall be reported to the
3 intelligence committees as soon as possible after such approv-
4 al and prior to the initiation of the special activity authorized
5 by the finding: *Provided*, That if the President determines it
6 is essential to limit access to the finding to meet extraordi-
7 nary circumstances affecting vital interests of the United
8 States, such finding may be reported to the chairmen and
9 ranking minority members of the intelligence committees, the
10 Speaker and minority leader of the House of Representatives,
11 and the majority and minority leaders of the Senate. In either
12 case, a copy of the finding, signed by the President, shall be
13 provided to the chairman of each intelligence committee.
14 Where access to a finding is limited to the Members of Con-
15 gress identified above, a statement of the reasons for limiting
16 such access shall also be provided.

17 “(2) In circumstances where time is of the essence and
18 the President determines that it is important to the national
19 security interests of the United States to initiate a special
20 activity before the notice required by paragraph (1) can be
21 given, such activity may be initiated without such notice.

22 “(3) The President shall ensure that notice of a special
23 activity undertaken pursuant to paragraph (2) is provided to
24 the intelligence committees, or to the Members of Congress
25 identified in paragraph (1), as soon as possible, but in no

1 event later than forty-eight hours after the special activity
2 has been authorized pursuant to subsection (a). Such notice
3 shall be accompanied by a statement of the President setting
4 forth why time was of the essence and why proceeding pursu-
5 ant to paragraph (2) is important to the national security in-
6 terests of the United States.

7 “(d) The President shall ensure that the intelligence
8 committees, or, if applicable, the Members of Congress speci-
9 fied in subsection (c), are notified of any significant change in
10 a previously-approved special activity, or any significant un-
11 dertaking pursuant to a previously approved funding, in the
12 same manner as findings are reported pursuant to subsection
13 (c).

14 “(e) As used in this section, the term ‘special activity’
15 means, with respect to the Central Intelligence Agency, op-
16 erations in foreign countries other than activities intended
17 solely for obtaining necessary intelligence, and, with respect
18 to any other department or agency of the United States, any
19 activity conducted in support of national foreign policy objec-
20 tives abroad which is planned and executed so that the role of
21 the United States Government is not apparent or acknowl-
22 edged publicly, and functions in support of such activity, and
23 does not include activities to collect necessary intelligence, or
24 diplomatic activities carried out by the Department of State
25 or persons otherwise acting pursuant to the authority of the

1 President. A request by any agency or department of the
2 United States to a foreign country or a private citizen to
3 conduct a special activity on behalf of the United States shall
4 be deemed to be a special activity.

5 “(f) No special activity may be conducted if it is intend-
6 ed to influence United States political processes, public opin-
7 ion, policies, or media.”.

8 SEC. 4. Section 502 of title V of the National Security
9 Act of 1947 (50 U.S.C. 414) is redesignated as section 504
10 of such Act, and is amended by deleting “501” in subsection
11 (a)(2) of such section and inserting in lieu thereof “503”, by
12 striking “Appropriated funds” at the beginning of such sec-
13 tion and inserting in lieu thereof “Funds”, and by adding the
14 following new subsection (d):

15 “(d) No funds appropriated for, or otherwise available
16 to, any department, agency, or entity of the United States
17 Government, may be expended, or may be directed to be ex-
18 pended, for any special activity, as defined in subsection
19 503(e), unless and until a Presidential finding required by
20 subsection 503(a) has been signed or otherwise issued in
21 accordance with that subsection.”.

22 SEC. 5. Section 503 of title V of the National Security
23 Act of 1947 (50 U.S.C. 415) is redesignated as section 505
24 of such Act, and subsection (a)(1) of such section is amended

10

1 by adding, "or any aggregation of defense articles or defense
2 services," after "service".

○

HR 3822 IH